

**PRELIMINARY AMENDMENT**  
**In re Application of: Vick**  
**Serial No. 10/676,579**  
**Filing Date: January 29, 2004**  
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### **REMARKS**

The undersigned Attorney for the Assignee presents these amendments in response to the Office Action mailed November 2, 2004. Claims 35-36, 38, and 41-54 are pending in the present application. The Office Action rejected claims 35 and 36, and claims 37 and 38 were objected to. By the present amendment, claim 35 has been amended, claim 37 has been cancelled, and claims 41-54 have been added. The present application now has 17 total claims with 2 independent claims, and no additional fees are believed to be due. The rejections of the Office Action are traversed for the reasons provided below. The undersigned Attorney for the Assignee respectfully requests reexamination and reconsideration of the application as amended, and further requests an allowance of the pending claims.

#### **The Rejection of Claims 35**

Claims 35 and 36 were rejected under 35 U.S.C. 102(b) as unpatentable over Landry WO 99/61209 ("*Landry*"). In view of the present amendments to the claims, the Office Action rejection under 35 U.S.C. § 102(b) is traversed.

Claim 35 has been amended to incorporate the element of claim 37, which was objected to as being dependent on a rejected base claim, but otherwise allowable. Claim 35 now includes the element "a cam rotatably coupled to the clamp for securing the at least two clamp arms at a second end." Claim 37 has been canceled by the present amendment.

The cited reference, *Landry*, does not disclose or suggest the element, "a cam rotatably coupled to the clamp for securing the at least two clamp arms at a second end." Therefore, amended claim 35 should be allowable over the cited reference.

#### **Claims 36 and 38 are Dependent From Claim 35**

Claim 36 was previously rejected for the reason above, and claim 38 was previously objected to for being dependent on an rejected base claim but otherwise was allowable.

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Since claims 36 and 38 are dependent from amended independent claim 35, for which arguments of patentability have been advanced above, then dependent claims 36 and 38 should also be in condition for allowance.

**Newly Added Claims 39, and 41-54**

Newly added dependent claims 39, and 41-44 are dependent from independent claim 35, for which arguments of patentability have been advanced above. Claims 39, and 41-44 should be in condition for allowance.

Newly added independent claim 45 is a method for using the device claimed in amended claim 35, for which arguments of patentability have been advanced above. Claim 45 incorporates all of the elements of the device claimed in amended claim 35. Newly added claims 46-54 are dependent from independent claim 45. If claim 35 is allowable, then newly added claims 45-54 should also be in condition for allowance.

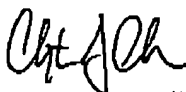
**Notice of Allowance Requested**

By the present amendment, claims 35-36, 38, and 41-54 are believed to neither be disclosed nor suggested by the cited references, and should also be in condition for allowance. A Notice of Allowance for claims 35-36, 38, and 41-54 is respectfully requested.

**PRELIMINARY AMENDMENT***In re Application of: Vick**Serial No. 10/676,579**Filing Date: January 29, 2004**Page 10 of 10***CONCLUSION**

For at least the reasons given above, it is respectfully submitted that amended claim 35, dependent claims 36 and 38, and newly added claims 41-54 define patentable subject matter in view of the amendments and remarks made above. Further, it is respectfully requested that immediate allowance of the pending claims and notice thereof be issued. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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Date: April 1, 2005

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Attorney Docket No.: 45626/284123